

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 5421
John Kerry for President, Inc. and Robert)
Farmer, in his official capacity as)
treasurer; Teresa F. Heinz Kerry; Mellon)
Trust of New England, N.A.)

CERTIFICATION

I, Darlene Harris, recording secretary of the Federal Election Commission executive session, do hereby certify that on June 23, 2005, the Commission took the following actions in MUR 5421:

1. Decided by a vote of 4-2 to:

- a) Find reason to believe that John Kerry for President, Inc. and Robert Farmer, in his official capacity as treasurer, violated 2 U.S.C. §§ 441a(f), 441b, and 434(b) and 11 CFR § 104.3(d)(4).
- b) Find reason to believe that Mellon Trust of New England, N.A. violated 2 U.S.C. § 441b.

Commissioners Mason, McDonald, Thomas, and Weintraub voted affirmatively for the decision. Commissioners Smith and Toner dissented.

2. Failed by a vote of 2-3 to pass a motion to:

Find reason to believe that Teresa Heinz Kerry violated 2 U.S.C. § 441a(a)(1)(A).

Commissioners Mason and Thomas voted affirmatively for the motion.

Commissioners Smith, Toner, and Weintraub dissented. Commissioner McDonald abstained.

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3. Failed by a vote of 2-3 to pass a motion to:

Find no reason to believe that Teresa Heinz Kerry violated
2 U.S.C. § 441a(a)(1)(A).

Commissioners Smith and Toner voted affirmatively for the motion.

Commissioners Mason, Thomas, and Weintraub dissented. Commissioner McDonald
abstained.

4. Decided by a vote of 4-1 to:

Take no action at this time regarding Teresa Heinz Kerry
with respect to a violation of 2 U.S.C. § 441a(a)(1)(A).

Commissioners Mason, McDonald, Thomas, and Weintraub voted affirmatively
for the decision. Commissioner Toner dissented. Commissioner Smith abstained.

5. Decided by a vote of 6-0 to:

a) Approve the appropriate Factual and Legal Analyses, to be revised
pursuant to the meeting discussion and re-circulated for Commission
approval on a tally vote basis.

b)

c) Approve the appropriate letters.

Commissioners Mason, McDonald, Smith, Thomas, Toner, and Weintraub voted
affirmatively for the decision.

June 24, 2005
Date

Attest:

Darlene Harris

Darlene Harris

Deputy Secretary of the Commission

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